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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 CLYDE McKNIGHT,

10 Defendant.

CR18-16 TSZ

MINUTE ORDER

11 The following Minute Order is made by direction of the Court, the Honorable
Thomas S. Zilly, United States District Judge:

12 (1) On November 21, 2009, defendant, through his attorneys Gilbert H. Levy
13 and Emily C. Beschen, filed an ex parte motion for issuance of two subpoenas duces
14 tecum, docket no. 378. The motion was granted in part and the Clerk was directed to
15 issue subpoenas duces tecum in the forms prepared by the Court, which differed from the
16 versions proposed by defendant. See Minute Order (docket no. 381). The United States
17 Marshal Service was directed to serve the subpoenas at public expense, but without
18 tendering witness fees, as follows: one on the records custodian for AT&T Wireless
(Florida), and the other on the records custodian for T-Mobile (New Jersey). Id. The
Court would not ordinarily disclose this information, but defense counsel mentioned the
status of these discovery efforts in seeking a continuance of the trial date, see Def.'s
Reply at 3 (docket no. 394), and because the Government already knows about the
subpoenas, defendant will not be prejudiced by this recitation of procedural facts.

19 On December 6, 2019, the subpoena directed to AT&T Wireless was served, and
20 on December 30, 2019, the Clerk's Office received responsive materials in the form of a
21 USB drive containing seven files, a printed list of those files, a copy of the subpoena, a
22 response cover sheet, and a certificate of authenticity. On January 7, 2020, the original
23 envelope, the four pages contained therein, and the USB drive were left in the Clerk's
Office's "Will Call" box for Mr. Levy to retrieve. In his reply brief supporting the earlier
request for a continuance, Mr. Levy described the results of defendant's expert's analysis
of the data provided by AT&T Wireless. See Def.'s Reply at 3 & n.1 (docket no. 394).

Meanwhile, having been advised telephonically by Mr. Levy that the United States Marshal Service had not yet served the subpoena directed to T-Mobile, the Court directed the Clerk of the Court to issue a new subpoena duces tecum with a response date of “January 21, 2020, or as soon as possible thereafter,” and the Marshal Service effected service on T-Mobile of the new subpoena duces tecum on January 21, 2020.

On February 11, 2020, the Clerk's Office received responsive materials in the form of a printed copy of the subpoena duces tecum (dated-stamped by the Clerk upon receipt) and a compact disc containing six files, five of which are in portable document format ("PDF"). The sixth electronic file is a Microsoft Excel spreadsheet. Two of the PDFs are electronic copies of the subpoena. The other three PDFs and the spreadsheet together comprise T-Mobile's response to the subpoena. On February 13, 2020, the two original envelopes, the date-stamped copy of the subpoena, and the compact disc were left in the Clerk's Office's "Will Call" box for Mr. Levy to retrieve. The Clerk is hereby DIRECTED to file hardcopies of the date-stamped subpoena and the responsive materials **under seal.**

(2) The Clerk is further DIRECTED to send a copy of this Minute Order to all counsel of record.

Dated this 13th day of February, 2020.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk